

1 THE HONORABLE JOHN C. COUGHENOUR  
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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 UNITED STATES OF AMERICA,

11 Plaintiff,

v.

12 ENRIQUE AGUILAR VALENCIA,

13 Defendant.

14 CASE NO. CR15-0202-JCC-1

ORDER

15 This matter comes before the Court on Defendant's motion for a reduction in sentence  
16 (Dkt. No. 459). Having considered the briefing and the relevant record, the Court DENIES the  
17 motion for the reasons explained herein.

18 Defendant was sentenced to a custodial term of 144 months for conspiracy to distribute  
19 controlled substances (Count 1) and conspiracy to commit money laundering (Count 14). (See  
20 Dkt. Nos. 245, 317.) Defendant now asks for a reduction in sentence pursuant to Amendment  
21 821 to the United States Sentencing Guidelines ("USSG"). (See Dkt. No. 459.) The request is  
22 based on the Sentencing Commission's change to the calculation and application of status points  
23 to an offender's criminal history category. (*Id.* at 2.)<sup>1</sup>

24 To qualify for a sentence reduction, amongst other requirements, it must be consistent

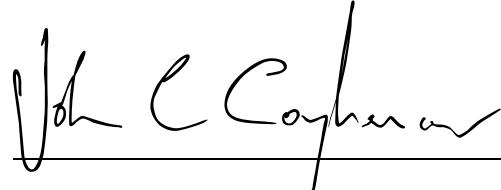
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26 <sup>1</sup> The amendment reduced or eliminated status points in certain instances. See USSG  
Amendment 821, Part A.

1 with the Sentencing Commission's applicable policy statements. 18 U.S.C. § 3582(c)(2); *see*  
2 *United States v. Waters*, 771 F.3d 679, 680 (9th Cir. 2014) (per curiam). And according to the  
3 current version of section 1B1.10(a)(2)(B), a sentencing court is not authorized to reduce a  
4 defendant's sentence when a retroactive amendment does not result in a lower applicable  
5 sentencing range.

6 Here, Defendant's sentencing range is not altered by Amendment 821. This is because,  
7 while his criminal history category moves from IV to III, his guideline sentence remains the  
8 same—life. USSG Ch. 5 Pt. A Sentencing Table (offense Level 43 at Category III); *see* 18  
9 U.S.C. § 3582(c)(2). Additionally, Defendant fails to qualify as a zero-point offender because he  
10 received criminal history points from Category Four, Part A. (*See* Dkt. No. 304 at 8–9.)  
11 Accordingly, Defendant's motion for a reduction of his sentence (Dkt. No. 459) is DENIED.

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13 DATED this 20th day of June 2024.

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John C. Coughenour  
UNITED STATES DISTRICT JUDGE